

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARGUERITE HIKEN

Plaintiff(s),

No. C 06-02812 MHP

v.

DEPARTMENT OF DEFENSE

Defendant(s).


**ORDER**

**Re: Motion to Strike Defendants'  
Supplemental Motion for Summary  
Judgment**

Defendants' first motion for summary judgment, upon which the court has already ruled, concerned documents classified by the Department of Defense ("DoD"). Five documents that were referred by the DoD to the Department of State were not before the court when it ruled on the first motion because the Department of State had not yet completed its processing of the documents. Defendants have now filed a separate motion for summary judgment because the Department of State has completed its processing and has determined that the five documents should be withheld. Defendants' supplemental motion does not relitigate issues already ruled upon by the court. Accordingly, plaintiffs' motion to strike is DENIED.

Plaintiffs shall have until November 16, 2007 to file an opposition to defendants' supplemental motion, and defendants shall have until November 23, 2007 to reply. The hearing on the supplemental motion is rescheduled for December 10, 2007 at 2:00 pm.

Dated: 10/30/2007

  
MARILYN HALL PATEL  
Judge  
United States District Court  
Northern District of California